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APR 22 2009

Docket No.: 65138(53253)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Patrick Holt et al.

Application No.: 10/574,393

Confirmation No.: 9686

Filed: January 12, 2007

Art Unit: 1644

For: IMMUNOTHERAPY METHOD

Examiner: Amy E Juedes

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

In response to the restriction requirement set forth in the Office Action mailed January 22, 2009, Applicant hereby provisionally elects Group I, claims 1-3, 11-17, 19, 21-26, and 31-33, for continued examination, with traverse. Applicants submit that no undue burden is placed on the office in searching the methods beyond that incurred by searching the kit or agent relating thereto. To fully comply with the restriction requirement, Applicants also elect the species TH1 associated disease and TH1 adjuvant.

With the concurrently filed preliminary amendment to claims 4-10, 18, 20, and 27-29, and addition of new claim 51 (dependent from claim 13) Applicants submit that as they depend from claim 1 and 13, amended claims 4-10, 18, 20, and 27-29 and new claim 51 should also be examined as part of the provisional election of Group I. Thus, the provisional election of Group I includes claims 1-29, 31-33 and 51.

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The Director is hereby authorized to charge any credits or deficiency in the fees filed (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 65138(53253).

Dated: April 22, 2009

Respectfully submitted,

By

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FIRST PRELIMINARY AMENDMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

INTRODUCTORY COMMENTS

Prior to examination on the merits, please amend the above-identified U.S. patent application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 7 of this paper.